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**IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH**

**CENTRAL DIVISION**

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**HUMBLE FINSAND,**

**Plaintiff,**

**v.**

**TAYLOR, BEAN & WHITAKER  
MORTGAGE CORPORATION;  
ROUNDPOINT MORTGAGE  
SERVICING CORPORATION; et al.,**

**Defendants.**

**MEMORANDUM DECISION  
AND ORDER**

**Case No. 2:11-cv-440-PMW**

**Magistrate Judge Paul M. Warner**

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All parties in this case have consented to having United States Magistrate Judge Paul M. Warner conduct all proceedings in the case, including entry of final judgment, with appeal to the United States Court of Appeals for the Tenth Circuit.<sup>1</sup> *See* 28 U.S.C. § 636(c); Fed. R. Civ. P. 73. Before the court is Taylor, Bean & Whitaker Corporation and Roundpoint Mortgage Servicing Corporation’s (collectively, “Defendants”) motion to dismiss.<sup>2</sup> The court has carefully reviewed the written memoranda submitted by the parties. Pursuant to civil rule 7-1(f) of the Rules of Practice for the United States District Court for the District of Utah, the court concludes

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<sup>1</sup> *See* docket no. 9.

<sup>2</sup> *See* docket no. 12.

that oral argument is not necessary and will determine the motion on the basis of the written memoranda. *See* DUCivR 7-1(f).

Defendants argue that the causes of action in Humble Finsand's ("Plaintiff") complaint have been repeatedly rejected by courts in this district and that those causes of action rely upon misinterpretations of law. The court agrees. Both Chief Judge Ted Stewart and this court have recently rejected complaints filed by Plaintiff's counsel that contain the same claims in the complaint presently before the court. *See Pixton v. Citimortgage, Inc.*, No. 2:11-cv-418-PMW, 2011 U.S. Dist. LEXIS 112108 (D. Utah Sept. 29, 2011); *Saccio v. Bank of Am.*, No. 2:11-cv-511-TS, 2011 U.S. Dist. LEXIS 96618 (D. Utah Aug. 29, 2011); *Knudsen v. Countrywide Home Loans, Inc.*, No. 2:11-cv-429-TS, 2011 U.S. Dist. LEXIS 81797 (D. Utah July 26, 2011). The court sees no meaningful distinction between this case and those cases. As demonstrated by Defendants in their memoranda, the previous orders of dismissal by courts in this district are founded in well-established law. The court concludes that there is no reason to depart from those prior holdings and that this case fails as a matter of law.

Plaintiff has failed to plead claims upon which relief can be granted. Accordingly, **IT IS HEREBY ORDERED** that Defendants' motion to dismiss<sup>3</sup> is **GRANTED**, and Plaintiff's

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<sup>3</sup> *See id.*

complaint is **DISMISSED WITH PREJUDICE**. The Clerk of the Court is directed to close this case forthwith.

**IT IS SO ORDERED.**

DATED this 18th day of November, 2011.

BY THE COURT:



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PAUL M. WARNER  
United States Magistrate Judge